

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20708

Application 28995 of Avila Beach County Water District

P.O. Box 308, Avila Beach, CA 93424

filed on April 2, 1987, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

See Canyon Creek Underflow

San Luis Obispo Creek thence

Pacific Ocean

2. Location of point of diversion:

40-acre subdivision  
of public land survey  
or projection thereof

\* Section

Town-  
ship

Range

Base  
and  
Meridian

North 1,000 feet and East 1,150 feet  
from SW corner of projected fractional Section 29

SW $\frac{1}{4}$  of SW $\frac{1}{4}$

29

31S

12E

MD

County of San Luis Obispo

\* Projected

3. Purpose of use:

4. Place of use:

\* Section

Town-  
ship

Range

Base  
and  
Meridian

Acre

Municipal

S $\frac{1}{2}$  of SE $\frac{1}{4}$

36

31S

11E

MD

NE $\frac{1}{4}$  of NW $\frac{1}{4}$

6

32S

12E

MD

N $\frac{1}{2}$  of NE $\frac{1}{4}$

6

32S

12E

MD

NE $\frac{1}{4}$  of SE $\frac{1}{4}$

31

31S

12E

MD

S $\frac{1}{2}$  of SE $\frac{1}{4}$

31

31S

12E

MD

SW $\frac{1}{4}$

31

31S

12E

MD

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.156 cubic foot per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 80 acre-feet per year. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)
8. Construction work shall be completed by December 31, 1996. (0000008)
9. Complete application of the water to the authorized use shall be made by December 31, 2006 (0000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)
11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.
- The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)
13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (0000027)
15. Diversion under this permit shall take place only when water is not available to permittee from Lopez Lake. (0350900)
16. Permittee shall not divert water under this permit after a firm supply of State Water Project water is furnished to permittee. (0350900)
17. Permittee shall install two wells to monitor water levels in the alluvium. One well shall be approximately 23 feet deep and designed to monitor water levels in the 0- to 23-foot-depth interval of the alluvium. The other well shall be approximately 70 feet deep and designed to monitor water levels in the 45- to 70-foot-depth interval. Design and location of the wells shall be submitted to the State Water Resources Control Board for approval prior to construction of the wells. A representative of See Canyon Residents and Property Owners Association shall be allowed to observe all well drilling and installation procedures. (0490800)
18. Permittee shall install continuous surface water recorders, satisfactory to the State Water Resources Control Board, in See Canyon Creek immediately upstream and downstream of the point of diversion in order to monitor the effects on the surface flow of pumping from the water-bearing strata underlying See Canyon Creek. (0060900)
19. Permittee shall measure water levels in the two monitoring wells as follows:  
(1) Once a month during nonpumping periods,  
(2) Daily during pumping periods,  
(3) Within 12 hours before a pumping period begins, and  
(4) Within 12 to 24 hours after pumping ceases. (0110800)
20. Permittee shall record all monitoring well measurements and average daily surface flow measurements. Such records shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee and shall be readily available for review by See Canyon Residents and Property Owners Association and interested parties. (0110800)
21. Once the diversion facilities authorized under this permit are in operation, permittee, in consultation with the California Department of Fish and Game, shall conduct studies of sufficient detail and duration to determine if the authorized underflow diversion in any way affects the quantity or duration of surface flow in See Canyon Creek. Such studies shall encompass not less than three different hydrological type water years. Each study report shall include an analysis of all data collected and a table showing daily well yield and streamflow measurements for the period.
- Study reports shall be submitted to the Yountville office of the California Department of Fish and Game for approval at the end of each study year. (0390300)
22. Permittee's diversion shall not diminish surface flow in See Canyon Creek at any time. (0400800)
23. The State Water Resources Control Board reserves jurisdiction to modify the terms and conditions of this permit if the studies required under this permit indicate that permittee's diversion is affecting surface flow in See Canyon Creek. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0390600)

24. If any previously undiscovered cultural resource materials are encountered during the course of the project activities authorized by this permit, all work shall be halted in the area of the find. A qualified archaeologist must evaluate the site, the Division of Water Rights must be notified, and appropriate mitigation measures must be implemented prior to continuation of work. (0380500)

25. This permit is specifically subject to any legally-held prior right of Barbara Baker. (000T001)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

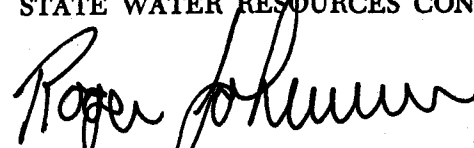
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: FEBRUARY 22 1994

STATE WATER RESOURCES CONTROL BOARD

  
for Chief, Division of Water Rights